

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CARL WILES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action
No. 17-5077 (RBK)

**MEMORANDUM
OPINION & ORDER**

ROBERT B. KUGLER, U.S.D.J.

This matter comes before the Court by way of Petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 and two motions to appoint pro bono counsel. On December 27, 2019, the Court granted Petitioner's request to reopen and reinstated this matter. On January 6, 2020, however, the post office returned mail sent to Petitioner on January 1, 2020, as undeliverable, as Petitioner was released or transferred from the Metropolitan Detention Center in Brooklyn, NY. (ECF No. 24). Petitioner has not contacted the Court in the intervening time to provide an updated address.

Local Civil Rule 10.1(a) requires unrepresented parties to notify the Court of any change in address within 7 days. The Rule further provides that, failure to file such notice "may result in the imposition of sanctions by the Court." *Id.* Indeed, failure to apprise the Court of an address change may result in the outright dismissal of the case for failure to proceed, or an administrative termination of the action without prejudice. *See, e.g., Allebach v. Cathell*, No. 06-5005, 2009 WL 2147145 (D.N.J. July 15, 2009); *Boretsky v. Corzine*, No. 08-2265, 2008 WL 2512916 (D.N.J. June 23, 2008).

As the Court does not have a current address for Petitioner, the matter cannot proceed at this time. The Court will therefore administratively terminate the proceedings and pending motions, without prejudice to Petitioner's right to reinstate this action by notifying the Court and Respondent of his new address within 30 days. Failure to provide an updated address within 30 days of the date of this Order may result in dismissal of this matter for lack of prosecution.

THEREFORE, it is on this **13th** day of January 2020,

ORDERED that the Clerk of the Court shall ADMINISTRATIVELY TERMINATE this matter for failure to comply with Local Civil Rule 10.1(a), without prejudice to reinstatement should Petitioner notify the Court of his changed address within thirty (30) days from entry of this Order; and it is further

ORDERED that Petitioner's motions to appoint pro bono counsel (ECF Nos. 22, 23), are TERMINATED without prejudice; and it is further

ORDERED that failure to comply with this Order may result in the matter being dismissed for lack of prosecution; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Memorandum Opinion and Order on Petitioner at his last known address by regular mail.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge